

WASHINGTON – A strongly-worded letter signed by seven Gulf Coast lawmakers, from Texas to Florida, was sent today to U.S. Attorney General Eric Holder expressing concern "in the strongest possible terms" over reports that the Justice Department may be attempting to dilute the impact of the RESTORE Act in reaching a settlement in the BP/Deepwater Horizon oil spill ahead of the Nov. 6 general election.

Published reports this week indicate the Justice Department is considering adding penalties under the Natural Resources Damage Assessment (NRDA) as well as the Clean Water Act (CWA) into a global settlement. Such a move would effectively reduce penalty funds available under the Clean Water Act to Gulf Coast Communities as directed by the bipartisan RESTORE Act, which President Obama signed into law as part of the Surface Transportation Extension Act on July 6, 2012.

The letter, initiated by U.S. Rep. Jo Bonner, R-Mobile, was signed by Senators Jeff Sessions (AL), Roger Wicker (MS), as well as U.S. Representatives Jeff Miller (FL), Steven Palazzo (MS), Steve Southerland (FL) and Peter Olson (TX). Among other things, the letter calls on Holder to abide by the RESTORE Act in determining penalties for BP and other parties involved in the 2010 Gulf oil spill.

"Recent press reports indicate the Department may be close to negotiating a global settlement that, in addition to circumventing the intent of the RESTORE agreement, may also provide a financial bonanza to BP in the form of millions of dollars of tax relief," Bonner said. "This would be hypocrisy at its worst if President Obama, who has blasted Republicans for being puppets of 'big oil,' ends up giving the company responsible for the worst environmental disaster in U.S. history a major tax write-off just weeks before the November 6 election," the five-term representative from Alabama said.

The letter points out that "while a global settlement approach may not be problematic in and of itself, we are, in the strongest possible terms, opposed to a settlement agreement that disproportionately applies penalties to NRDA over the CWA. Any attempt to do so would be viewed as an effort to circumvent the will of Congress and the President, and the enacted formulas and procedure agreed upon in public law under the RESTORE Act."

[Text of letter appears below](#) :

Dear Attorney General Holder:

We write to express our concerns regarding the potential settlement agreement between the Department of Justice (Department) and the parties responsible for the April 20, 2010 Deepwater Horizon Oil Spill.

With the enactment of the RESTORE Act (P.L. 112-141), Congress and the President have expressed their clear intention that 80 percent of all administrative and civil penalties paid by the responsible parties under the Clean Water Act (CWA), whether by court order or negotiated settlement, be utilized by the affected Gulf states for environmental and economic restoration, long-term fisheries and ecosystem research, and to ensure the states are prepared for future man-made and natural disasters.

Recent press reports indicate that the Department is aggressively moving toward negotiating a global settlement agreement to include both Natural Resources Damage Assessment (NRDA) and CWA penalties. The CWA sets forth how oil spill penalties are to be determined and, separately, federal law establishes a process for establishing payments and commitments under NRDA. While a global settlement approach may not be problematic in and of itself, we are, in the strongest possible terms, opposed to a settlement agreement that disproportionately applies penalties to NRDA over the CWA. Any attempt to do so would be viewed as an effort to circumvent the will of Congress and the President, and the enacted formulas and procedure agreed upon in public law under the RESTORE Act.

Additionally, we strongly encourage the Department to limit the application and utilization of Supplemental Environmental Projects (SEPs) or Community Service Payments (CSPs) as part of the settlement agreement in this case. Under the RESTORE Act, federal agencies will be participants in determining how environmental restoration funds will be applied, through the review and approval of both the comprehensive and state plans. Therefore, we view efforts to predetermine projects through SEPs or CSPs in the settlement agreement as unnecessary under these circumstances and not in keeping with the consultative requirements of the federal-state partnerships prescribed under the RESTORE Act.

We appreciate your attention to these concerns and look forward to the Department's timely response with assurances that the settlement agreement will not shortchange the RESTORE

Act.

With kind regards, we are

Jo Bonner, R-AL-01
Member of Congress

Jeff Sessions, R-AL
United States Senate

Jeff Miller, R-FL-01
Member of Congress

Roger Wicker, R-MS
United States Senate

Peter Olson, R-TX-22
Member of Congress

Steven Palazzo, R-MS-04
Member of Congress

Steve Southerland, R-FL-02
Member of Congress

For release: October 4, 2012